

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCOTT DWIGHT BARMORE,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:03CV1148 RWS
)	
CHUCK DWYER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Scott Dwight Barmore. I referred this matter to United States Magistrate Judge Terry I. Adelman for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On June 28, 2006, Judge Adelman filed his recommendation that Barmore's habeas petition should be denied.

Objections to Judge Adelman's Report and Recommendation were due to be filed by July 9, 2006. As of the date of this order, Barmore has not filed any objection to the Report and Recommendation. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Adelman and I will deny Barmore's habeas petition for the reasons stated in the Report and Recommendation dated June 28, 2006.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues

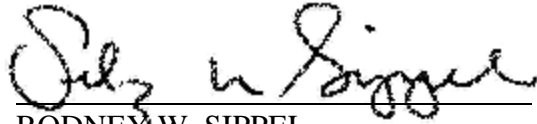
differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because Barmore has not made such a showing in this case, I will not issue a certificate of appealability. Accordingly,

IT IS HEREBY ORDERED that Judge Adelman's Report and Recommendation filed on June 28, 2006 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Scott Dwight Barmore's Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of July, 2006.